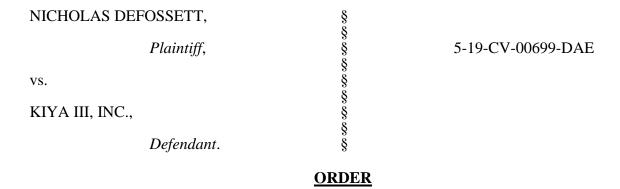
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION



Before the Court is the status of the above-referenced case, which was referred for the purpose of holding a status conference pursuant to the General Order Regarding Cases Filed Pursuant to the Americans With Disabilities Act in Judge Ezra's Court. *See* Dkt. No. 4.

IT IS ORDERED that this case is set for an Initial Pre-Trial Conference, pursuant to Federal Rule of Civil Procedure 16, on November 13, 2019 at 1:30 p.m. in Courtroom A on the 4th Floor of the John H. Wood, Jr. United States Courthouse, 655 E. Cesar Chavez Boulevard, San Antonio, Texas, 78206. All attorneys of record are required to make a personal appearance at the hearing. The parties should be prepared to discuss entry of a Scheduling Order, case management, and related issues.

On or before **November 4, 2019**, the parties shall confer in the manner required by Rule 26(f) of the Federal Rules of Civil Procedure and submit a Joint Discovery/Case Management Plan that answers the following questions:

- 1. Are there any unserved parties? If more than 90 days have passed since the filing of the Complaint or Petition, should any unserved parties be dismissed?
- 2. What are the causes of action, defenses, and counterclaims in this case? What are the elements of the cause(s) of action, defenses, and counterclaims pled?
- 3. Are there any agreements or stipulations that can be made about any facts in this case or any element in the cause(s) of action?

4. State the parties' views and proposals on all items identified in Fed. R. Civ. P. 26(f)(3).

5. What, if any, discovery has been completed? What discovery remains to be done? Have

the parties considered conducting discovery in phases?

6. What, if any, discovery disputes exist or are anticipated?

7. Have the parties discussed the desirability of filing a proposed order pursuant to Federal

Rule of Evidence 502?

8. Have the parties discussed mediation? Is this a case that could be mediated early and effectively with limited discovery? If so, what discovery is essential to any early

mediation and how could it be structured to streamline an early mediation?

IT IS FURTHER ORDERED that, if not already provided, the parties shall submit a

proposed scheduling order pursuant to Local Rule CV-16(c), no later than November 4, 2019.

The Court will address the parties' joint report and discovery plan at the Initial Pretrial

Conference. The Court will also discuss with the parties any proposed changes to the Court's

standard scheduling order based on the circumstances of this case. The proposed scheduling

order shall conform to the attached template.

A copy of my Civil Fact Sheet may be found at https://www.txwd.uscourts.gov/wp-

content/uploads/Standing%20Orders/San%20Antonio/Farrer/Court%20Facts%20Sheet%20for%

20U.S.%20Magistrate%20Judge%20Farrer.pdf. All counsel (and parties, if they are appearing

pro se) are expected to review these fact sheets before filing any matters or appearing in a case

assigned to Judge Ezra and referred to me.

IT IS SO ORDERED.

SIGNED this 17th day of October, 2019.

RICHARD B. FARRER

UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

| NICHOLAS DEFOSSETT, | § | |
|--|---|--|
| Plaintiff, | SS SS SS SS SS SS SS SS SS | 5-19-CV-00699-DAE |
| vs. | \$ \$ | |
| KIYA III, INC., | \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\ | |
| Defendant. | § § | |
| SCHEDULING RECOMMENDATIONS | | |
| The parties recommen control the course of this case | • | es be entered in the scheduling order to |
| <u>=</u> | <u> </u> | empliance with Local Rule CV-88 shall ing 90 days after the first defendant's |
| opposing parties by defendant's appearanc | (the standard p | submit a written offer of settlement to period being 90 days after the first shall respond, in writing by defendant's appearance). |
| <u>-</u> | (the standard | nd or supplement pleadings or to join period being 120 days after the first |
| witnesses, testifying e not file, the materia standard period being relief shall file their de exhibits, and shall serv Civ. P.26(a)(2)(B) by | experts, and proposed exhibits required by Fed. R. Ci 90 days before the discover esignation of potential with we on all parties, but not fi (the standard penations of rebuttal experts sh | all file their designation of, proposed its, and shall serve on all parties, but iv. P. 26(a)(2)(B) by (the ry deadline). Parties resisting claims for lesses, testifying experts, and proposed ite, the materials required by Fed. R. eriod being 45 days before the close of all be filed within 15 days of receipt of |
| Rule of Evidence 702 objection and identify | 2 shall be made by motion ing the objectionable testim | rt's proposed testimony under Federal a, specifically stating the basis for the anny, within (the standard ritten report of the expert's proposed |

| deposition, if a deposition is taken, whichever is later. | eing 30 days) days of the expert's |
|--|--|
| The parties shall complete discovery on or beforeing six months after the first defendant's appearation continue discovery beyond the deadline, but there will except in extraordinary circumstances, and no trial sinformation obtained in post-deadline discovery. | ance). Counsel may by agreement all be no intervention by the Court |
| 7. All dispositive motions shall be filed no late period being 30 days after the discovery deadline). It Local Rule CV-7(c) and responses to dispositive motion pages in length. Replies, if any, shall be limited to ten with Local Rule CV-7(e). If the parties elect not must contact the courtroom deputy on or before the date. | Dispositive motions as defined in ons shall be limited to twenty (20) (10) pages in length in accordance to file dispositive motions, they |
| 8. The Court will set the case for trial by separaterial type deadlines to include pretrial matters pursuant | |
| 9. All of the parties who have appeared in the action of the proposed scheduling order on | , and the parties have positions and reasons are given by ents of the proposed scheduling |
| | (Signature) |
| | (Print of type name) |
| | ATTORNEY FOR |
| | (Print or type name) |

CERTIFICATE OF SERVICE